

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Ronald Luther Nesbitt, BBA in his Proper Persona

Plaintiff

Case No. _____

-v-

Stuart Thomson Gulliver for H.S.B.C. Bank

Honorable Peter H. Moulton for Unified Court System (NY) County

Honorable Edward McLaughlin in proper person

Police Commissioner Raymond Kelly for the New York City PD,

Cy Vance Jr for the People of the state New York (NY) county

Zwi Wasserstein ESQ

Defendants

COMPLAINT

Plaintiff, Come now Ronald L. Nesbitt, BBA in his proper persona, individually, hereby
sues Defendants, Honorable Peter H. Moulton for Unified Court System(NY) county,
Edward McLaughlin in proper person , Police Commissioner Raymond Kelly for New
York City Police Department, Cy Vance Jr for The People of the state of New York (NY)
County, Stuart Thomson Gulliver for HSBC Bank, and Zwi Wasserstein ESQ, for
violations of the Fair Debt Collection Practices Act (FDCPA) 15 U.S.C. § 1692, and the
General Business Law § 600, §601, §349(D) NY Code CPLR 3016(A) (B) (D) (H)

PRELIMINARY STATEMENT

1. This is an action for damages and injunctive relief brought by Plaintiff against Defendant for violations of the Fair Debt Collection Practices Act (FDCPA) 15 U.S.C. § 1692 e, Fair Debt Collection Practices Act (FDCPA) 15 USC § 1692 e (2), Fair Debt Collection Practices Act (FDCPA) 15 USC § 1692 f, Fair Debt Collection Practices Act (FDCPA) 15 U.S.C. § 1692 f (1)
2. NY GBL § 349(D), GBL§600, and GBL§601
3. NY CODE CPLR §3016(A) (B) (D) (H)
4. Defendants conduct the natural consequence of which is to harass, oppress, or abuse any person 15 U.S.C. § 1692 d (1) and the New York Consumer Collection Practices Act (NYCCPA), NY. STAT. §600,§601 (XIII, IX)
5. Upon belief and information, Plaintiff contends that many of these practices are widespread for some or all of the Defendants. Plaintiff intends to propound discovery to Defendants identifying these other individuals who have suffered similar violations.
6. Plaintiff contends that the Defendants have violated such laws by repeatedly harassing Plaintiff in attempts to collect alleged but nonexistent debt.

JURISDICTION AND VENUE

7. Jurisdiction of this Court arises under 15 U.S.C. §1681p, N.Y. Stat. §600 and §601 supplemental jurisdiction exists for the state law claims pursuant to 28 U.S.C. §1367.
8. Venue is proper pursuant to 28 U.S.C. §1391b and N.Y. Stat. §601(VIII & IX) Venue in this District is proper in that the Plaintiff resides here, the Defendants transact business here, and the conduct complained of occurred here.
9. This is an action for damages which exceed \$5,000,000.00

PARTIES

10. Plaintiff, Comes now Ronald L. Nesbitt, BBA is a natural person and is a resident of the State of New York.
11. Upon information and belief Defendant, Peter H. Moulton for Unified Court Systems (NY) County, is a known entity authorized to do business in New York.
12. Upon information and belief Defendant, Hon. Edward McLaughlin (judge) in his proper person is authorized to do business under Unified Court Systems
13. Upon information and belief Defendant, Raymond Kelly for New York City Police Department authorized to do business in the State of New York.

14. Upon information and belief Defendant, CY Vance JR for the People of the State NY, (NY) County is authorized to do business in New York.
15. Upon information and belief Defendant, Stuart Thomson Gulliver for HSBC Bank is authorized to do business in New York.
16. Upon information and belief Defendant, Zwi Wasserstein ESQ is authorized to do business in New York.

FACTUAL ALLEGATIONS

17. On or about December, 2012 the Plaintiff was served with a law suit by Defendants demanding payment from some unknown account.
18. On or about June, 2013 the Plaintiff return a Notice of Dispute pursuant to 15 USC. § 1692g (b). See exhibit "A"
19. Plaintiff has no contractual obligation to pay Defendants.
20. Defendant Unified Court System failed to attach the alleged member agreement or any evidence that Plaintiff ever had an account other then Threat, Duress, or Coercion by the Police Department of city of New York who initiated this illegal contract 15 USC1692 E (4)(5).
21. On May 08, 2013 the Defendants through mediation and a pre trial conference knowingly violated Federal and State law by continuing to attempt to collect a disputed debt prior to validation and verification.

Defendants are in violation of New York Statutes GBL§349, GBL §600, GBL §601, which are a condition precedent and applies to those entities receiving assignments of consumer debts and, having failed to comply by providing notice to Plaintiff within 30 days after

assignment, Defendants is precluded as a matter of law from bringing the action in any court of New York.

COUNT I
VIOLATION OF FAIR DEBT COLLECTION
PRACTICES ACT (FDCPA), 15 U.S.C. §1692
BY DEFENDANT, Peter H. Moulton for Unified Court Systems,
Raymond Kelly for New York City Police Department, Hon. Edward
McLaughlin in his proper person, Cy Vance JR for the People of State
New York NY County, Stuart Thomson Gulliver for HSBC Bank, Zwi
Wasserstein ESQ.

23. Plaintiff alleges and incorporates the information in paragraphs 1 through

22.

24. Plaintiff is a consumer within the meaning of the FDCPA, 15 U.S.C.

§1692a(3)

25. Defendant Unified Court Systems is a debt collector within the meaning of the FDCPA, 15 U.S.C. §1692a (6).

26. Defendant Raymond Kelly for New York City Police Department within the meaning of the FDCPA, 15 U.S.C. §1692a (6).

27. Defendant Hon. Edward McLaughlin is a debt collector within the meaning of the FDCPA, 15 U.S.C. §1692a (6).

28. Defendant The People of State New York NY County § 1692 e(5)

29. All Defendants violated the FDCPA. Defendant's violations include, but are not limited to, the following:

- (a) Defendants violated 15 U.S.C. §1692e (2) by falsely representing the character, amount, or legal status of any debt.
- (b) Defendants violated 15 U.S.C. §1692f (1) by the collection of any amount (including any interest, fee, charge, or expense incidental to the principal obligation) unless such amount is expressly authorized by the agreement creating the debt or permitted by law.

- (c) Defendants conduct the natural consequence of which is to harass, oppress, or abuse any person 15 U.S.C. § 1692 d (1)
- (d) Defendants continued collection activity after receiving notice of dispute, and failed to provide written validation of debt before resuming collection activities, in violation of 15 U.S.C. §2042g(b).
- (e) 1692 e(5) Threaten to take any action that cannot legally be taken or that is not intended to be taken

WHEREFORE, Plaintiff demands judgment for damages against, Unified Court Systems, Raymond Kelly for New York City Police Department, and Hon. Edward McLaughlin in his proper person, CY Vance Jr for The People of State New York NY County, Stuart Thomson Gulliver for HSBC Bank, Zwi Wasserstein attorney's fees and costs, pursuant to NY. Statutes GBL §349, GBL§600, GBL§601.

COUNT II
VIOLATION OF NEW YORK CONSUMER COLLECTION
PRACTICES ACT (FCCPA), NY. STAT. §600(Part VIII & IX) BY
DEFENDANTS Peter H. Moulton For Unified Court Systems, Raymond
Kelly for New York City Police Department, Hon. Edward McLaughlin
in his proper person, CY Vance JR for The People of State New York NY
County, Stuart Thomson Gulliver for HSBC Bank and Zwi Wasserstein
ESQ.

- 30. Plaintiff alleges and incorporates the information in paragraphs 22 through 29.
- 31. Plaintiff is a consumer within the meaning of §600(2).
- 32. Unified Court System is a debt collectors within the meaning of §600(3).
- 33. City of New York Police Department is a debt collectors within the meaning of §600(3).
- 34. The People of the State of New York NY County are debt collectors within the meaning of NY. Stat §600(3).

35. Hon. Edward McLaughlin in his proper person did commit a deceptive act

GBL§349 (D).

36. Stuart Thomson Gulliver For HSBC Bank did commit a deceptive act

GBL §349 (A).

37. Zwi Wasserstein ESQ did commit a deceptive act GBL § 349(A)

38. All Defendants violated §601(VIII& IX) by claiming, attempting or threatening to enforce a debt when such persons knew that the debt was not legitimate.

39. All Defendants committed an deceptive act GBL§ 349 (D) all deceptive acts or practices declared to be unlawful

40. Count III

DEFENDANTS Honorable Peter H. Moulton, Police Commissioner Raymond Kelly, Hon. Edward McLaughlin in his proper person, Cy Vance Jr, Stuart Thomson Gulliver and Zwi Wasserstein ESQ for Violation of 42 U.S.C 1983 by way of 14th amendment of NYS constitution, 4th, 5th, 6th, and 8th amendments to the U.S Constitution NY Code CPLR 3016 (A) (B) (D) (H)

41. Plaintiff alleges and incorporates the information in paragraphs 31 through 39.

42. Defendant Honorable Peter H. Moulton is authorized to operate on behalf of the Unified Court System state of New York did violate NY CPLR §3016 (A) (B) (D) (H).

43. Defendant Police Commissioner Raymond Kelly is authorized to operate on behalf New York City Police Department of the state of New York did violate NY CPLR §3016 (A)(B) (D) (H).

44. Defendant Honorable Edward McLaughlin in his proper person is authorized to operate on behalf of Unified Court System of the state of New York did violate NY CPLR §3016 (A) (B) (D) (H).

45. Defendant CY Vance Jr is authorized to operate on behalf of People of the state of New York (NY) County did violate NY CPLR §3016 (A) (B) (D) (H).

46. Defendant Stuart Thomson Gulliver for HSBC Bank did violate NY CPLR §3016 (A) (B) (D) (H).

47. Defendant Zwi Wasserstein ESQ did violate NY CPLR §3016 (A) (B) (D) (H).

WHEREFORE, Plaintiff demands judgment for damages Honorable Peter H. Moulton for Unified Court Systems, Raymond Kelly Police Commissioner for New York City Police Department, Cy Vance Jr for The People of State New York NY County, Hon. Edward McLaughlin in his proper person, Stuart Thomson Gulliver for HSBC Bank and Zwi Wasserstein ESQ, for actual or statutory damages, and punitive damages, attorney's fees and costs, pursuant to violation of the 4th, 5th, 6th and 8th amendment to United State constitution 14th amendment to NYS constitution and NY. Stat. GBL§349, GBL§600, GBL§601(VIII & IX) NY Code CPLR 3016 (A) (B) (D) (H)

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of all issues so triable as a matter of law.

Respectfully submitted this day of September 09, 2013

Ronald L. Nesbitt, BBA
1805 Clinton Ave apt 5b
Bronx., NY 10457

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Ronald Luther Nesbitt, BBA in his Proper Persona

Plaintiff

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4. Defendants conduct the natural consequence of which is to harass, oppress, or abuse any person 15 U.S.C. § 1692 d (1) and the New York Consumer Collection Practices Act (NYCCPA), NY. STAT. §600,§601 (XIII, IX)
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§1692a(3)

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COUNT II
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in his proper person, CY Vance JR for The People of State New York NY
County, Stuart Thomson Gulliver for HSBC Bank and Zwi Wasserstein
ESQ.

- 30. Plaintiff alleges and incorporates the information in paragraphs 22 through 29.
- 31. Plaintiff is a consumer within the meaning of §600(2).
- 32. Unified Court System is a debt collectors within the meaning of §600(3).
- 33. City of New York Police Department is a debt collectors within the meaning of §600(3).
- 34. The People of the State of New York NY County are debt collectors within the meaning of NY. Stat §600(3).

35. Hon. Edward McLaughlin in his proper person did commit a deceptive act

GBL§349 (D).

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threatening to enforce a debt when such persons knew that the debt

was not legitimate.

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acts or practices declared to be unlawful

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**DEFENDANTS Honorable Peter H. Moulton, Police Commissioner
Raymond Kelly, Hon. Edward McLaughlin in his proper person, Cy
Vance Jr, Stuart Thomson Gulliver and Zwi Wasserstein ESQ for
Violation of 42 U.S.C 1983 by way of 14th amendment of NYS
constitution, 4th, 5th, 6th, and 8th amendments to the U.S Constitution NY
Code CPLR 3016 (A) (B) (D) (H)**

41. Plaintiff alleges and incorporates the information in paragraphs 31 through
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42. Defendant Honorable Peter H. Moulton is authorized to operate on behalf
of the Unified Court System state of New York did violate NY
CPLR §3016 (A) (B) (D) (H).

43. Defendant Police Commissioner Raymond Kelly is authorized to operate
on behalf New York City Police Department of the state of New
York did violate NY CPLR §3016 (A)(B) (D) (H).

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of all issues so triable as a matter of law.

Respectfully submitted this day of September 09, 2013

Ronald L. Nesbitt, BBA
1805 Clinton Ave apt 5b
Bronx., NY 10457

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY
100 CENTRE STREET
NEW YORK, NY 10013

NO FEE

CERTIFICATE OF DISPOSITION DISMISSAL

DATE: 06/14/2010

CERTIFICATE OF DISPOSITION NUMBER

PEOPLE OF THE STATE OF NEW YORK
VS.
NESBITT, RONALD

CASE NUMBER: 02233-2003
LOWER COURT NUMBER(S): 2003NY0265
DATE OF ARREST: 04/17/2003
ARREST #: M03628918
DATE OF BIRTH: 07/16/1967
DATE FILED: 04/29/2003

DEFENDANT

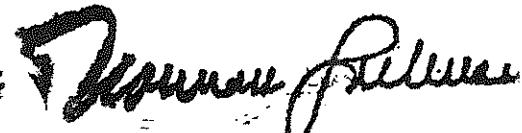
I HEREBY CERTIFY THAT IT APPEARS FROM AN EXAMINATION OF THE RECORDS ON FILE IN THIS OFFICE THAT ON 09/18/2003 THE ABOVE ACTION WAS DISMISSED AND ALL PENDING CRIMINAL CHARGES RELATED TO THIS ACTION WERE ALSO DISMISSED BY THE HONORABLE ALTMAN, H THEN A JUDGE OF THIS COURT.

THE DEFENDANT WAS DISCHARGED FROM THE JURISDICTION OF THE COURT.

THE ABOVE MENTIONED DISMISSAL IS A TERMINATION OF THE CRIMINAL ACTION IN FAVOR OF THE ACCUSED AND PURSUANT TO SECTION 160.60 OF THE CRIMINAL PROCEDURE LAW "THE ARREST AND PROSECUTION SHALL BE DEEMED A NULLITY AND THE ACCUSED SHALL BE RESTORED, IN CONTEMPLATION OF LAW, TO THE STATUS OCCUPIED BEFORE THE ARREST AND PROSECUTION".

PURSUANT TO SECTION 160.50(1C) OF THE CRIMINAL PROCEDURE LAW, ALL OFFICIAL RECORDS AND PAPERS RELATING TO THIS CASE ARE SEALED.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL ON THIS DATE 06/14/2010.



COURT CLERK

Case Details - Summary

Court Date: **May 30, 2007**
Court Part: **93**
Phone: **000 - 000 - 0000**

Assistant District Attorney
Name: **Hinckley, Peter**
Assigned: **May 30, 2007**

Next Appearance

Date: **December 14, 2010**
Court: **New York Supreme Court - Criminal Term**
Judge: **McLaughlin, Edward J**
Part: **93**

Docket Sentence

Description: **Resentenced to: Imprisonment for 16 Months to 4 Years, Imprisonment for 16 Months to 4 Years, Imprisonment for 16 Months to 4 Years, Imprisonment for 16 Months to 4 Years**

Case Details - Summary

New York State Unified Court System

WebCrim

Case Details - Summary**CASE INFORMATION**

Court	New York Supreme Court - Criminal Term
Case #	04400-2003
Defendant	Nesbitt, Ronald

Defendant

Name:	Nesbitt, Ronald
Birth Year:	1967
NYSID:	5230551Q

Incident and Arrest**Incident**

Date:	April 17, 2003
Summons/Ticket #:	
CJTN:	56461600K

Arrest

Date & Time:	April 17, 2003 17:21
Arrest #:	M03628918

Officer

Agency:	NYPD
Command:	19

Attorney Information**Defense Attorney**

Name:	Wasserstein, Z
Type:	Neighborhood Defender Service

Case Details - Appearances

41				
02/26/2004	Altman, H	TRIALS AM	No Type	Whitaker,
41				
01/15/2004	Altman, H	TRIALS AM	No Type	Batti, J
41				
11/13/2003	Altman, H	TRIALS AM	No Type	Henry, T
41				
10/09/2003	Altman, H	TRIALS AM	No Type	Hounsell, J
41				
09/18/2003	Altman, H	ARRAIGNMENTS	Regular	Greenspan, G
41				
09/17/2003		MISCELLANEOUS	No Type	
GRAND JURY				

Case Details - Appearances

New York State Unified Court System

Web Crims

Case Details - Appearances**CASE INFORMATION**

Court **New York Supreme Court - Criminal Term**
 Case # **04400-2003**
 Defendant **Nesbitt, Ronald**

Date/ Part	Judge	Calendar Section	Arraignment/ Hearing Type	Court Reporter
12/14/2010 93	McLaughlin, Edward J	MISCELLANEOUS	No Type	
06/30/2009 93	McLaughlin, Edward J	VIOLATION OF PROBATION	No Type	Magnicciari, Ther
06/16/2009 93	McLaughlin, Edward J	VIOLATION OF PROBATION	No Type	Whitaker, B
12/11/2007 93	McLaughlin, Edward J	VIOLATION OF PROBATION	No Type	Marquez, M
10/03/2007 93	McLaughlin, Edward J	VIOLATION OF PROBATION	No Type	Maxey, S
05/30/2007 93	McLaughlin, Edward J	VIOLATION OF PROBATION	No Type	Moscato, T
10/21/2005 1000		TO PAY SURCHARGE	No Type	Clk, Office
06/23/2004 93	McLaughlin, Edward J	SENTENCES	Sentencing	Morgan, E
05/07/2004 82	Solomon, C	TRIALS AM	No Type	Hounsell, J
05/07/2004 93	McLaughlin, Edward J	TRIALS AM	No Type	Eisenberg, L
05/05/2004 41	Yates, J	TRIALS AM	No Type	French, B
05/05/2004 82	Solomon, C	TRIALS AM	No Type	Hounsell, J
04/19/2004	Yates, J	TRIALS AM	No Type	Connolly,

Case Details - Motions

New York State Unified Court System

WebCrims

Case Details - Motions

CASE INFORMATION

Court	New York Supreme Court - Criminal Term
Case #	04400-2003
Defendant	Nesbitt, Ronald

There are no motions on record for this case.

Case Details - Charges

New York State Unified Court System

WebCrim

Case Details - Charges**CASE INFORMATION**

Court **New York Supreme Court - Criminal Term**
 Case # **04400-2003**
 Defendant **Nesbitt, Ronald**

charge	Detail
PL 110-155.35 00	E Felony, 1 count, Not an arrest charge, Not an arraignment charge Description Attempted Grand Larceny 3rd Degree Indictment Count 4 Date Added 06/23/2004
PL 155.30 01	E Felony, 1 count, Not an arrest charge, Not an arraignment charge Description Gr Lar 4-vlue Prpty>\$1000 Indictment Count 2 Date Added 09/18/2003
PL 155.35 00	D Felony, 1 count, Arrest charge, Not an arraignment charge Description Grand Larceny 3rd Degree Indictment Count 3
PL 165.50 00 **TOP CHARGE**	D Felony, 1 count, Not an arrest charge, Not an arraignment charge Description Cpsp-3rd:value Of Prop > \$3000 Indictment Count 1 Date Added 09/18/2003

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY
100 CENTRE STREET
NEW YORK, NY 10013

NO FEE

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DATE FILED: 04/29/2003

NESBITT, RONALD

DEFENDANT

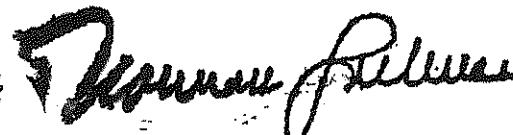
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THE CRIMINAL PROCEDURE LAW "THE ARREST AND PROSECUTION SHALL BE
DEEMED A NULLITY AND THE ACCUSED SHALL BE RESTORED, IN
CONTEMPLATION OF LAW, TO THE STATUS OCCUPIED BEFORE THE ARREST
AND PROSECUTION".

PURSUANT TO SECTION 160.50(1C) OF THE CRIMINAL PROCEDURE LAW, ALL
OFFICIAL RECORDS AND PAPERS RELATING TO THIS CASE ARE SEALED.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY
OFFICIAL SEAL ON THIS DATE 06/14/2010.


COURT CLERK

State of New York

Department of State

DIVISION OF LICENSING SERVICES

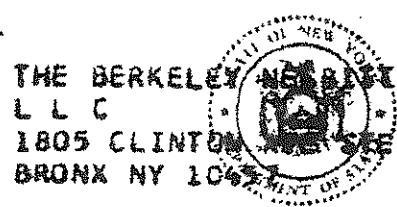
FOR OFFICE USE
Control
No. 08639

UNIQUE ID NUMBER

31NED0911023

Be it known that, pursuant to the provisions of
Article 12A of the Real Property Law

000205

THE BERKELEY ~~NEST~~ GROUP
LLC
1805 CLINTON ~~NEST~~ 58
BRONX NY 104

EFFECTIVE DATE

MO. | DAY | YR.

10 | 03 | 200

EXPIRATION DATE

MO. | DAY | YR.

10 | 03 | 200

HAS BEEN DULY LICENSED TO TRANSACT
BUSINESS AS A REAL ESTATE BROKER
AND TO BE REPRESENTED BY
NESBITT RONALD L

In Witness Whereof, The Department of State has caused
to be affixed to this document a stamp.RANDY A. DANIELS
SECRETARY OF STATE



STATE OF NEW YORK
DEPARTMENT OF STATE
DIVISION OF LICENSING SERVICES
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
P.O. Box 22001
ALBANY, NY 12201-2001

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

August 28, 2013

Ronald Nesbitt
1805 Clinton Avenue, Apt 5B
Bronx, NY 10457

Dear Sir/Madam:

This office has received and reviewed the enclosed correspondence you submitted regarding your previous real estate broker license.

Please be advised that if you wish to obtain a real estate license, you may visit our website at www.dos.ny.gov for details on how to reapply for licensure. When applying for a real estate license you must disclose any previous license revocations/suspensions and/or criminal convictions and submit proper documentation regarding such.

If you have any questions, please contact our customer service at (518) 474-4429.

Sincerely,

A handwritten signature in black ink, appearing to read "Janine Barnhart".
Janine Barnhart
Sr. License Investigator

Encl.